

14th September, 1959.

COCOM Document No. 3671 B

COORDINATING COMMITTEE

RECORD OF DISCUSSION

4245130

ON

A FRENCH PROPOSED EXPORT OF MATERIAL FOR HERTZIAN BEAMS TO POLAND

7th September 1959

Present: Belgium(Luxembourg), France, Germany, Italy, Japan, Netherlands, Turkey, United Kingdom, United States.

References: COCOM Documents No. 3015.00/2 and 4, 3369, 3634, 3659.

1. The CHAIRMAN drew the attention of the Committee to the Memorandum submitted by the French Delegation (COCOM 3634) relating to a proposed export to Poland of Hertzian links. He stressed that, while convinced that this material was not embargoed since it came under the exclusion clause of Item 1520, the French Delegation wished to know whether this opinion was shared by the Committee.
2. The FRENCH Delegate confirmed that when submitting on the 27th July 1959 the above-mentioned Memorandum, his Delegation were not putting in an exception request but were merely requesting clarification of a definition. The Delegate then stated that he had received from his United States colleague a letter dated 1st September 1959, to the effect that the United States authorities did not share the views of the French Delegation as to the interpretation which should be given to Item 1520. Before asking his experts to answer the technical points made in the United States document, the French Delegate wished to draw the Committee's attention to the discussions which had led to the present definition of Item 1520. He referred first of all to COCOM Doc. No. 3015.00/2, page 3, and recalled that the French Delegation had been unable to accept the text proposed by the United Kingdom, which limited the exclusion clause to Hertzian links required for local connections. Referring then to COCOM Doc. No. 3015.00/4, page 4, the Delegate recalled that the United States Delegation had proposed to place under embargo equipment designed for multiple relay systems and that this proposal had also been rejected. The present definition was eventually accepted as a compromise solution.
3. The UNITED STATES Delegate confirmed that on the 1st September, 1959 he sent to the French Delegation, and to other interested Delegations a letter stating the views of his authorities on the French Memorandum. The Delegate indicated that the main points of this letter would shortly appear in the form of a Memorandum by his Delegation (COCOM 3659). He then summed up as follows his Government's position: the export to Poland of the French equipment as described in COCOM Doc. No. 3634 unquestionably required COCOM approval because this equipment was embargoed by Item 1520. The United States experts felt that the Type FHT 4076 was not designed to link the camera or studio and the television transmitter, but rather for long-distance transmission. It failed therefore to meet the basic requirement of the exclusion clause of Item 1520. The United States experts furthermore did not believe that the power output of the transmitters as indicated in the French Memorandum (3 Watts) was particularly low, nor did they believe that these Hertzian beams could be described as "short range", since the Type FHT 4076 was suitable for multiple links over great distances. The United States authorities were therefore of the opinion that this equipment was under embargo and that if it were considered as excluded from embargo, this would render meaningless the control of such strategically important equipment.

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4. The GERMAN Delegate expressed his appreciation of the fact that, while convinced that the equipment in question was not covered by Item 1520, the French authorities had nevertheless made a point of asking for the views of the Committee. The German authorities felt, however, that the equipment in question was clearly covered by Item 1520 and could not therefore be exported to the Soviet Bloc without the Committee's approval. The Delegate stressed that the exclusion clause of Item 1520 referred to "links for transmissions between the camera or studio and the television transmitter", but did not refer to links between transmitters. He went on to say that this problem was not new and referred his colleagues to the second part of a Memorandum submitted by his Delegation on the 6th February 1959 (CCCCM 3369). The German authorities were of the opinion that the French case and this case probably concerned the same order and they would shortly submit a new exception request for the export of this television relay system. Answering a question from his French colleague, the Delegate specified that the new German exception request would bear only on point 2 of CCCCCM Document No. 3369, i.e. the television relay system and not the carrier frequency system.
5. The UNITED KINGDOM Delegate said that his authorities had noted the similarity between the French Memorandum and the Memorandum just referred to by the German Delegate which concerned equipment comparable also to systems that the United Kingdom refused to consider in the case of one of their own exporting companies in 1956. They felt that the equipment described in the French Memorandum was very precisely the equipment covered by Item 1520 in its present definition. The type of equipment referred to in the French Memorandum could not benefit by the exclusion clause of the present definition, which was the only one which should be taken into account.
6. The NETHERLANDS Delegate said that the French Memorandum had been given careful consideration by his authorities. They felt that the equipment described in the French Memorandum was under embargo and did not come under the terms of the exclusion clause of Item 1520. They regretted that they were unable to share the French views on this point. An approval of the French Memorandum would, they felt, prejudice the embargo rules. If, however, the French Delegation decided to submit this case as an exception request, thus recognising the strategic value of the links in question, the Netherlands authorities would give the matter further consideration but, before making known their final position, they would like to hear the views of other Member Governments on this case.
7. The ITALIAN Delegate said that he had received no final instructions on this question. His authorities felt however that it would be more in keeping with the rules of the Committee if this case were presented as an exception request. The Delegate finally indicated that he was prepared to hear the arguments of the French experts.
8. The FRENCH Delegate thanked his colleagues for having made known their views on the interpretation of Item 1520 as their experts understood it. He added however that what had just been said regarding both the coverage of Item 1520 and the nature of the equipment described in the French Memorandum had not convinced his Delegation as to the strategic value of the said equipment. He therefore reserved the right to come back to the various arguments adduced, once his experts had had time to study more thoroughly the United States document and the comments made by other delegations. Answering one of the remarks of his United Kingdom colleague, the Delegate said that if it was important to bear in mind the present definition, it was also necessary to remember that this definition had been worked out as a compromise which did not meet the wishes of the United Kingdom and United States Delegations to place multiple links under embargo.
9. The Delegate then said that the manufacturer's pamphlet to which the United States Delegation had made reference was more commercial than technical. The United States had spoken of Type FHT 4076 in general and had laid

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a stress on its telephone capacity but in fact the pamphlet in question dealt with three types of equipment: types A, B and C, which could be described as follows:

Type A : television and telephone equipment

Type B : telephone equipment

Type C : television equipment.

The French proposal referred to type C, equipment solely designed for television and entirely different in design from the equipment used for telephone service.

10. The Delegate explained that when Item 1520 was studied, a few months ago, the exclusion clause covered all the equipment used to link the camera and the television transmitter; such a link usually included two elements: a first element linking the camera to the studio and a second linking the studio to the transmitter. These links were usually more complete than the Type FHT 4076 described in the French Memorandum, for they included, in addition to the normal channel, a telephone service line and possibly a sound channel.

As regards the frequency, it was chosen according to the type of equipment. In the case of fixed equipment, it might be preferable to have a low frequency while in a mobile equipment a higher frequency made it possible to have shorter aeriels.

As regards the operation of the equipment, the link in question was unilateral. This meant that if this link were equipped for telephone service one person could transmit a communication to another but could not hear the latter's answer.

As regards the impossibility of using such a link for telephone purposes, it should be noted that television transmission could tolerate a non-linear distortion rate of 4% which was incompatible with a multiplex telephone transmission. Such a distortion, while harmless in the case of television, would not permit any telephone service owing to the crosstalk effect which it would involve.

Answering a question from the German Delegate who asked whether the French equipment was reversible, the French expert specified that a unilateral equipment might be reversible but that it was impossible to obtain immediate reversibility, which excluded the possibility of using these links for telephone conversation purposes.

As regards the power output, the French expert recalled that at the time when the exclusion clause of Item 1520 had been discussed, the figure of 5 watts had been accepted, without any objection at the time.

11. The FRENCH Delegate stated that despite the arguments adduced by some delegations and which had been refuted by his experts, his Delegation was not in the least convinced of the strategic value of the equipment in question. The majority of the Committee, however, felt it was preferable to examine this case as a normal exception request within the framework of the special Polish procedure. Under these circumstances, and with a view to obtaining more rapidly the Committee's agreement, the Delegate was now prepared to submit this particular case as an exception request.

12. The GERMAN Delegate said that he would appreciate hearing the Committee's views on the request submitted by his Delegation in COCOM Document No. 3369 (point 2) on the day when the French request was studied by the Committee. He said that his Delegation would submit some additional information regarding this export the value of which amounted approximately to \$300 000.

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13. The UNITED STATES Delegate stated that he was pleased to note that the French Delegation were now prepared to consider the equipment in question as covered by Item 1520. Since this case had now become an ordinary exception request, the Delegate felt that the technical arguments were perhaps less important. He did not think, however, that the French expert's statement had refuted the arguments put forward by his Delegation. As to the former German request (point 2), the Delegate said that he would make known the views of his Government on the date to be fixed by the Committee. Noting that both exports were destined for Poland, the Delegate stressed that in his authorities' view, the strategic risks involved in such exports overrode the considerations governing the special policy adopted towards Poland. In this connection, the United States authorities felt it would be particularly desirable that the French Delegation should supply further elements demonstrating that this case met the requirements of the special Polish procedure, and in particular that this export was necessary for the Polish civilian economy.

14. The FRENCH Delegate thanked his United States colleague for his statement but said that he could not concur in the first part of this statement. He confirmed that for all the reasons explained in the course of the present meeting - and which merely repeated the arguments adduced by the French Delegation during the Consultative Group meetings held in July 1958, his authorities continued to think that the exclusion clause of Item 1520 should apply to the case submitted to the Committee. To claim that multiple links did not come under the exclusion clause of Item 1520 would, they felt, be contrary to the spirit in which the present definition of this Item had been accepted by the Consultative Group. Taking into account, however, the comments made by the majority of delegations, and in order to speed up the solution of this case, the Delegate confirmed that he was now submitting it as an exception request within the framework of the special Polish procedure. He added that there was no doubt in the mind of his Delegation but that this equipment was strictly meant to meet the Polish television requirements; moreover, the Polish authorities had requested that the installation of this equipment be carried out under the supervision of French technicians.

15. The CHAIRMAN concluded that, following the statements made by the French and German Delegations, the Committee now had before them two exception requests submitted within the framework of the normal Polish procedure.

16. The COMMITTEE decided to hear the views of Member Governments on the French and German cases on the 24th September. It was agreed that delegations wishing to ask questions about these two exception cases could do so at any time.

C O N F I D E N T I A L